

HOUSE BILL REPORT

E2SHB 1019

As Passed House:
February 11, 2004

Title: An act relating to protection of identification of persons who pay tolls electronically.

Brief Description: Protecting identification of persons who pay tolls electronically.

Sponsors: By House Committee on State Government (originally sponsored by Representatives Nixon, Ruderman, Lantz, Woods and Upthegrove).

Brief History:

Committee Activity:

State Government: 1/16/03, 1/24/03 [DPS].

Floor Activity:

Passed House: 2/11/04, 95-0.

Brief Summary of Engrossed Second Substitute Bill

- Personally identifying information of persons who use transponders and other technology for the payment of tolls is exempt from disclosure. Aggregate data, including census tract information of account holders, may be released to agencies or groups concerned with public transportation or public safety, as long as it does not contain personally identifying information. Other than for purposes of toll enforcement, law enforcement agencies must obtain a court order for release of personally identifying information.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; McDermott and Nixon.

Staff: Marsha Reilly (786-7135).

Background:

Transponder systems, for purposes of toll collection, allow for electronic payment of highway tolls. Transponders provide automatic vehicle identification through the use of electronic tags installed in the vehicle which communicate with roadside readers to identify vehicle ownership. Embedded in the tag is a personal identifier that relates to the vehicle owner's

account which can be read by the toll booth. Once ownership is determined, the toll can be deducted from the corresponding account. Toll violators are monitored by a video enforcement system, which photographs the license plates of violators in order to identify and fine the vehicle owner.

The open public records law was approved by state voters in 1972 as part of Initiative Measure Number 276. All public records of state agencies and local governments are open to public inspection and copying unless a record is expressly excluded by law. This disclosure requirement is liberally construed and any exception is narrowly constructed.

A person's right to privacy is invaded or violated only if disclosure of information about the person: (1) would be highly offensive to a reasonable person; and (2) is not of legitimate concern to the public. Beyond that, only those records expressly identified are considered exempt from disclosure.

One exemption from disclosure listed in statute is for personally identifying information of persons who acquire and use transit passes and other fare payment media, including stored value smart cards and magnetic strip cards, except when the information is released by an agency to the news media when reporting on public transportation or public safety. It may also be disclosed to governmental agencies or groups concerned with public transportation or public safety.

Summary of Engrossed Second Substitute Bill:

The exemption of personally identifying information of persons who acquire and use transit passes and other fare payment media is broadened to include those who acquire and use a transponder or other technology for the payment of tolls. Information may be disclosed in aggregate form, including census tract data of account holders, as long as the data does not contain any personally identifying information, to governmental agencies or groups concerned with public transportation or public safety. Personally identifying information may be released to law enforcement agencies for toll enforcement purposes only; for any other purpose, a court order is required.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill prevents personal information from being disclosed except for purposes of public transportation and public safety. Information cannot be released for commercial purposes or for tracking individuals.

Testimony Against: None.

(With concerns) Exempting this information from disclosure will prevent audits from being done. Without audits, there is no public oversight. It would also preclude groups from conducting transportation or public safety related surveys.

Testified: (In support) Representative Nixon, prime sponsor.

(With concerns) Rowland Thompson, Allied Daily Newspapers of Washington.